

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

CURTIS LUX, et al.,

Plaintiff(s),

v.

JORDANA BUCHANAN, et al.,

Defendant(s).

Case No. 2:23-cv-00839-MMD-NJK

Order

[Docket Nos. 10, 14]

Pending before the Court is Defendants' motion to stay discovery pending resolution of their motion to partially dismiss. Docket No. 10.¹ Plaintiffs do not oppose the motion and, instead, signed a stipulation to stay discovery. Docket No. 14. For the reasons discussed more fully below, the motion and stipulation to stay discovery are **DENIED**.

The Court has broad discretionary power to control discovery. *See, e.g., Little v. City of Seattle*, 863 F.2d 681, 685 (9th Cir. 1988). "The Federal Rules of Civil Procedure do not provide for automatic or blanket stays of discovery when a potentially dispositive motion is pending." *Tradebay, LLC v. eBay, Inc.*, 278 F.R.D. 597, 601 (D. Nev. 2011). The party seeking a stay of discovery bears the burden of making a strong showing that discovery should be denied. *Turner Broad. Sys., Inc. v. Tracinda Corp.*, 175 F.R.D. 554, 556 (D. Nev. 1997). Discovery may be stayed when: (1) there is a pending motion that is potentially dispositive in nature and scope; (2) the potentially dispositive motion can be decided without additional discovery; and (3) the Court has taken a "preliminary peek" at the merits of the underlying motion and is convinced that Plaintiff will be unable to state a claim for relief. *Kor Media Group, LLC v. Green*, 294 F.R.D. 579, 581 (D. Nev. 2013).

¹ The motion to dismiss has been fully briefed. Docket No. 6 (motion); Docket No. 9 (response); Docket No. 11 (reply).

1 The instant requests to stay discovery fail from the outset because the underlying motion
2 is not potentially dispositive. To warrant a stay of all discovery in the case, the underlying motion
3 must be potentially dispositive of the entire case. *E.g.*, *Tradebay*, 278 F.R.D. at 602 (“the pending
4 motion must be potentially dispositive of the entire case or at least dispositive on the issue on
5 which discovery is sought”); *Martinez v. Las Vegas Metro. Police Dept.*, 2020 WL 3166611, at *1
6 (D. Nev. June 9, 2020) (denying motion to stay discovery because it was premised on motion
7 seeking only partial dismissal).² The motion to dismiss here is seeking partial dismissal of the
8 case and acknowledges that the case will proceed even if that motion is granted. *See, e.g.*, Docket
9 No. 6 at 4 (acknowledging that the wage and hour aspect of the case will proceed). As such, the
10 underlying motion is not potentially dispositive and a stay of all discovery is not warranted.

11 Accordingly, the motion and stipulation to stay discovery are **DENIED**.

12 IT IS SO ORDERED.

13 Dated: July 6, 2023

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17 Nancy J. Koppe
18 United States Magistrate Judge
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27 ² As there is no request for a partial stay of the discovery pertinent only to the claims
28 challenged in the motion to dismiss, the Court does not opine herein on whether a partial stay of
discovery would be warranted.